

To: Republican Senators

From: Senator Jon Kyl

Date: October 28, 2003

Re: Senator Lugar's Op-Ed on Iran; Kyl-Feinstein Resolution on

Iran's Nuclear Deadline

Attached is an Op-Ed on Iran written by Senator Richard Lugar that appeared in the Los Angeles Times last Friday (October 24).

On October 21, Iran "voluntarily" agreed to a British-French-German-brokered deal to halt its uranium enrichment program and allow tougher international inspections of its nuclear facilities, in exchange for European assistance in developing Iran's civilian nuclear program. In his opinion article, Senator Lugar writes that while the decision by Tehran is a welcome step, "it should not lead us to a false sense of security about the Iranian proliferation threat or unwarranted confidence in current nonproliferation measures under the Nuclear Nonproliferation Treaty, or NPT, which Iran signed in 1968."

The deal worked out by France, Germany, and Great Britain with Iran is, in the words of *The Economist*, "maddeningly vague." The one-and-a-half page agreement fails to provide details on the following: How long is the suspension? Who will verify and monitor the suspension, and how? Will Iran be required to hand over the uranium that has already been enriched? Are there penalties if Tehran resumes uranium enrichment? If so, what are they and who enforces them? Will Iran end formally its pursuit of a nuclear weapons program?

Senator Lugar is exactly right that the United States should not be tricked or lulled into believing that Iran will shelve its nuclear ambitions, either temporarily or for the long term. In fact, the day Tehran agreed to this deal, its key negotiator, Hassan Rowhani, boldly stated that the agreement would serve for "an interim period," and added that the suspension "could last for one day or one year; it depends on us." This statement clearly demonstrates that Iran holds little regard for respecting its international obligations — and that Tehran remains an unreliable and untrustworthy partner.

On October 23, Iranian officials turned over an initial batch of documents to the U.N.'s atomic watchdog, the International Atomic Energy Agency (IAEA). However, IAEA

officials found — and Iranian officials admitted — that the documents were incomplete. Specifically, the records did not contain information about where Tehran acquired components for centrifuges that are used to enrich uranium. Tehran's response was that the components were purchased on the black market "through intermediaries." And, on October 26, the Iranian Foreign Ministry issued a statement remarking that Tehran had not halted its uranium enrichment program but was only "currently studying suspending uranium enrichment."

Most significantly, the European agreement brokered with Tehran does nothing to negate the October 31 deadline established by the International Atomic Energy Agency for Iran to prove that it does not have a nuclear weapons program. This deadline, urged by Washington, was set on September 12, after the IAEA found traces of highly enriched, weapons-grade uranium at an Iranian nuclear facility (Natanz), and requested access to the facility to determine whether Iran had violated its obligations under the Nuclear Nonproliferation Treaty. Iran repeatedly refused to grant access to IAEA inspectors, as well as to sign an Additional Protocol to the NPT declaring that it would not pursue a nuclear weapons program.

A nuclear Iran would pose a serious threat to U.S. and allied interests in the Middle East and Europe. The need to prevent Iran from becoming a nuclear power is reinforced when one recognizes that Iran has an active program to improve its ballistic missile capability, is a leading state sponsor of terrorism, and is known to have shared missile designs and nuclear technology with other rogue states such as North Korea and Syria.

On October 15, Senators Feinstein and Kyl introduced a resolution (S. Con. Res. 73) expressing Congress' deep concern with Iran's failure to adhere to its obligations under a safeguards agreement with the International Atomic Energy Agency, and with Iran's activities to develop nuclear weapons.

Specifically, the resolution calls on Iran to "cease all efforts to acquire nuclear fuel-cycle capabilities until it is able to provide specific assurances that it is not engaged in a clandestine nuclear weapons program." Iran is directed to do so by "coming into complete and verifiable compliance with its obligations under the IAEA resolution, including the prompt and unconditional implementation of the Model Additional Protocol," and by "fully meeting its obligations under the Nuclear Non-Proliferation Treaty."

If Iran fails to comply, the resolution calls on the United Nations Security Council to immediately undertake consideration of "the passage of a Security Council resolution or the taking of other actions that may be necessary to impose diplomatic and economic sanctions against Iran."

Passage of the Kyl-Feinstein amendment would allow Congress to declare that Iran should not be allowed to pursue and possess a nuclear weapons program, and that sanctions and other means should be levied against Iran if it does not comply with the IAEA's October 31 deadline.

Commentary

Stiff Inspections ab ran With

Ву ВІСНАВО G. LUGAR

ran's steady march toward the bomb took an apparent pend its uranium enrichment program, which would have the spections and temporarily suscapacity to produce nuclear detour this week when Tehwould submit to new nuclear inran announced that

can't be trusted, so programs prove it strong action is needed now. **Its nuclear**

weapons material. This step is welcome, but it should not lead us to a false sense of security about the Iranian proliferation or unwarranted confi dence in current nonproliferation measures under the Nuclear NPT, which Iran signed in 1970. Treaty. Nonproliferation

Iran took these measures un-

der prodding from France, Brit-ain and Germany and because it weapons-grade uranium at two faced an Oct. 31 deadline set by the International Atomic Energy Agency to agree to them after Tehran's clandestine drive to acquire nuclear bomb material had position group and confirmed by the IAEA Iran was secretly building a uranium enrichment facility, as well as a heavy-water plant, which could be used to produce plutonium for nuclear been exposed by an Iranian op Inspectors Iranian sites. weapons.

NPT commitments, under which All are violations of Iran's it pledged to forgo nuclear weap-

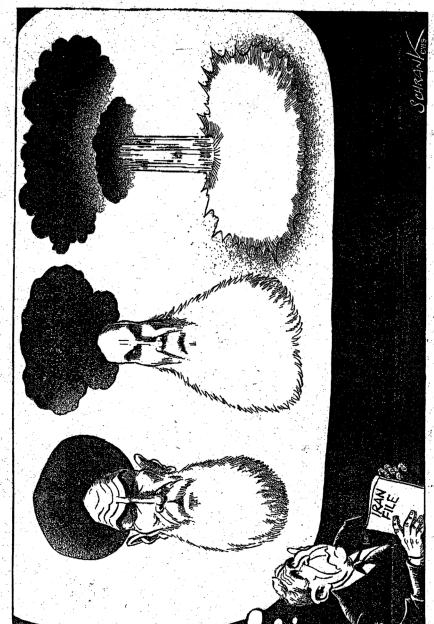
ons. Tehran has admitted to secretly importing uranium from China in the 1990s and has been caught repeatedly lying about its nuclear activities to the IAEA, the U.N. watchdog agency.

Iran denies it is working to build a bomb and claims that the enrichment facilities, which can make either fuel for nuclear sian-built reactor and little of its own uranium ore, these claims not credible. Secretary of clusively" that Iran is trying to produce material that can be power reactors or material for weapons, are for a large nuclear electricity system. Given that tran, rich in oil and gas, has only a single, still-unfinished Rusthat the IAEA "has found con-State Colin Powell said recently used in nuclear weapons.

In short, Iran has been caught red-handed trying to tained period in violation of its obligations, Given the have expected the international and unequivocally to stop the build nuclear weapons through methods over a susone might community to act immediately clarity of this case, proliferation. several treaty

Unfortunately, that didn't months while trying to coax Iran happen. The IAEA dithered for pack into the nonproliferation to the treaty that Iran this week agreed to sign would provide for vent Iran from obtaining a nureaty. The additional protocol it is far from clear that these inspections will be enough to pre-Inspectors still must rely on Tehran's account of where the nuclear sites are and its cooperarely on Tehran telling the truth enhanced inspections. However clear capability because

In such extreme cases, history has taught us to be skeptical about assurances of future com tion in gaining access to them.



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scientists and engineers (out of 'super inspections," even tougher than those imposed on Iraq. Elements should include unfettered freedom for inspectors, unsupervised interviews of nuclear the country with their families, if aerial surveillance. necessary) and played by Iraq and North Korea demonstrate the limitations of and egregious violator. Given community should be prepared the NPT's verification measures when dealing with a determined Iran's pattern of deception, denial and delay, the international Further,

strong action may force Iran's Iran would object that such intrusive inspections impinge on vince outsiders that, for once, it its sovereignty, but this is the price Tehran should pay to conis keeping its word under the treaty. By demanding that Iran prove that it is living up to the NPT, the Security Council would Some will object that such strengthen the treaty. ated facilities and submit to mechanisms of the NPT than it fronted with a case as blatant as ran, the U.S. and like-minded This depends less on the legal does on the will of the international community. When conallies must use the U.N. Security Council to demand that the vioator cease all illegal weapons acdismantle weapons-reto take more effective action

ruling mullahs to quit the treaty. But keeping Iran in it should not be an end in itself. The NPT is useful only to the extent that its provisions are enforced to prevent states from acquiring nuclear weapons. unrestrained

If the international community were persuaded to work together, it would have substantial leverage over Iran. An Iranian withdrawal from the NPT would the Russian reactor deal clear suppliers, expose Iran's naked nuclear ambitions for all to see and stiffen international resolve for tough economic sancand cooperation with other nuhalt

In the short run, our European allies will be inclined to give

partly to avoid a confrontation cial opportunities in Iran. But the U.S. should begin laying the groundwork now for a decisive international response to any Failure to act, if Iran is caught Tehran the benefit of the doubt, and partly to preserve commer additional violations.

tions, would threaten the entire munity's credibility and reduce eration threats can be dealt with nuclear nonproliferation regime violating its international obliga destroy the international com the chances that severe prolif through nonmilitary means. Richard G. Lugar (R-Ind.) is chairman of the Senate Foreign Relations Committee.